



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII
1860 LINCOLN STREET
DENVER, COLORADO 80203

September 7, 1977

file in KCC

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PUBLIC NOTICE OF AN ADJUDICATORY HEARING RELATIVE TO EPA'S ISSUANCE OF A WASTEWATER DISCHARGE PERMIT WITHIN THE STATE OF UTAH UNDER THE AUTHORITY OF THE FEDERAL WATER POLLUTION CONTROL ACT AS AMENDED (FWPCA), 33 U.S.C. 1251, ET SEQ.

PERMIT INFORMATION

PERMITTEE NAME:	KENNECOTT COPPER CORPORATION UTAH COPPER DIVISION
MAILING ADDRESS:	P.O. BOX 11299 SALT LAKE CITY, UTAH 84111
FACILITY ADDRESS:	MAGNA, UTAH
TELEPHONE NUMBER:	801-322-1533
PERMIT NUMBER:	UT 0000051
FACILITY LOCATION:	MAGNA, UTAH
DESCRIPTION OF DISCHARGES COVERED BY PERMIT:	IN CONJUNCTION WITH ITS OPERATIONS IN MAGNA, UTAH, APPLICANT MAINTAINS A POND AND TREATMENT PLANT USED FOR WASTEWATER CONTAINMENT AND TREATMENT, BOTH OF WHICH DISCHARGE TO THE C-7 DITCH.

A public notice (Number UT-76-R11) of the Environmental Protection Agency's intention to issue a wastewater discharge permit was issued and widely distributed on December 15, 1976.

Public comments and participation were invited and encouraged prior to January 15, 1977, and additional information was made available.

On June 7, 1977, the Regional Administrator, EPA, Region VIII, issued NPDES permit number UT 0000051.

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Subsequently, the permittee submitted a request for an adjudicatory hearing, received by EPA on June 20, 1977. With certain exceptions this request was determined sufficient by EPA, and on June 30, 1977, a Notice of Determination was issued advising the permittee of the limited sufficiency of its request.

Those portions of its NPDES permit, challenged by the permittee and determined appropriate for adjudication, are as follows:

1. Appropriate permit effluent limitations for cyanide, copper, zinc, manganese, and the flow discharge limitation for the effluent from outfall 006.

2. Appropriate permit effluent limitations for total suspended solids, but only as that limitation appears on Page 4 of the permit.

The purpose of the adjudicatory hearing is to determine whether the challenged provisions of the subject permit are necessary to carry out the provisions of the FWPCA.

The hearing will be held before an Administrative Law Judge of the Environmental Protection Agency at a time and location to be designated, and will be conducted according to the Rules of Practice set out in 40 CFR Part 125.36.

Pursuant to 40 CFR Part 125.36(d), any interested person may file a request to be admitted as a party to the hearing within 30 days of the date of issuance of this notice. Requests for intervention must meet the requirements prescribed at 40 CFR Part 125.36(b)(2), and must set forth all material issues of fact the requester seeks to be considered at the adjudicatory hearing. Requests for intervention shall be submitted in writing to: Ms. Virginia Burns, Regional Hearing Clerk, Enforcement Division, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.

Any person already admitted as a party may submit additional material issues for consideration at the adjudicatory hearing within 30 days of the date of issuance of this notice.

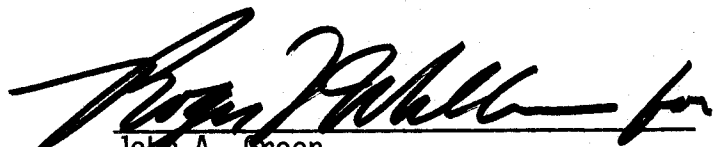
Any party may at any time prior to the hearing submit any documents or written evidence or testimony which he intends to introduce at the hearing.

The Presiding Officer may determine to hold a prehearing conference and, if so, it shall be held no later than 30 days from the issuance of this notice at a time and place to be set by said Presiding Officer.

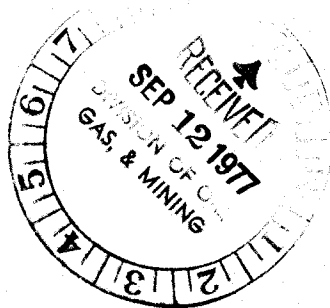
The permit may be amended by the Regional Administrator prior to or after the adjudicatory hearing. In order to preserve any right to appeal the final administrative determination, any interested person must have been a party to the adjudicatory process.

Any State with certification rights under 33 U.S.C. 1341 must certify or deny certification within 30 days after it is notified that a permit has been amended after a request for an adjudicatory hearing has been granted. Failure to certify or deny certification shall be deemed a waiver of such certification rights.

The permit and documents related to its issuance, as well as other information, are on file and may be inspected and copied between 8:00 a.m. and 4:30 p.m. on regular business days at the offices of the Environmental Protection Agency, Region VIII, Enforcement Division, 1860 Lincoln Street, Denver, Colorado, telephone (303) 837-4812.


John A. Green
Regional Administrator
U.S. Environmental Protection Agency
Region VIII
Denver, Colorado

Public Notice Number: UT-76-R11A



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